

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

LAQUINCE HOGAN,

Plaintiff,

v.

CHANDRA GOODWIN,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:21-CV-144-RWS-JBB

ORDER

Plaintiff LaQuince Hogan, an inmate proceeding *pro se*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. Docket No. 32. The lawsuit was referred to the United States Magistrate Judge.

On April 25, 2025, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff's above-referenced lawsuit be dismissed without prejudice for failure to serve the only remaining defendant Chandra Goodwin in accordance with Federal Rule of Civil Procedure 4(m). Docket No. 51 at 4–5. The Magistrate Judge noted “it has been almost three and a half years since this lawsuit was filed and over seven months since Plaintiff's Second Amended Complaint was filed (Dkt. No. 32), and the only remaining defendant has not been served,” “[d]espite an extension by the Court beyond the time period for service contemplated by Rule 4(m) and despite giving Plaintiff time to supply the necessary address.” *Id.* at 4. The Magistrate Judge further noted it is Plaintiff's responsibility for accomplishing service of process upon Defendant Goodwin. *Id.* However, considering Plaintiff's attempt to show good cause and his request to voluntarily withdraw his complaint until he can “positively locate the defendant” (Docket No. 50 at 2), the Magistrate Judge recommended the above lawsuit be dismissed without prejudice, with the statute of limitations suspended for a period of sixty (60) days following the date of entry of final judgment. *Id.* at 5 (noting

further that a motion for relief from judgment would likely receive favorable consideration should Plaintiff provide a correct address for Defendant Goodwin within this time period).

Plaintiff received a copy of the Report and Recommendation on May 9, 2025, but has filed no objections to date. Docket No. 52. Accordingly, he is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 51) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that, in accordance with Federal Rule of Civil Procedure 4(m), all of Plaintiff's claims against remaining defendant Chandra Goodwin are **DISMISSED WITHOUT PREJUDICE**. Because Defendant Goodwin is the only remaining defendant, it is further

ORDERED that Plaintiff's above cause of action is dismissed without prejudice, with the statute of limitations suspended for a period of sixty (60) days following the date of entry of final judgment. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 30th day of May, 2025.

A handwritten signature in cursive script, reading "Robert W. Schroeder III", written in black ink.

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE